



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AM
JUN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/498,559	02/04/00	SACKINGER	E

MMC1/0710

Docket Administrator (RM 3C-512)
Lucent Technologies Inc
600 Mountain Avenue P O Box 636
Murray Hill NJ 07974-0636

EXAMINER

L.E.D

ART UNIT	PAPER NUMBER
	2816

DATE MAILED: 07/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/498,559	Applicant SACKINGER
	Examiner First Last	Art Unit 1234

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on May 18, 2001
 - 2a) This action is FINAL. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
 - 5) Claim(s) 1-15 is/are allowed.
 - 6) Claim(s) 16-19 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 20) <input type="checkbox"/> Other: _____ |

Art Unit: 2816

FINAL REJECTION

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-17 and 19 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kobayashi (US Pat. 5,821,825).

Figure 2 of Kobayashi discloses an active inductor (22) biased by the voltage divider (R3, R4) which provide a reference voltage between the voltage Vee and ground or beyond the Vee and ground (0 volt).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kobayashi (US Pat. 5,821,825).

Figures 1-3 of the Kobayashi discloses an active inductor (22) comprising all of the limitations of the claimed invention but does not disclose that the transistor (M2) is PMOS

Art Unit: 2816

transistor. Since the NMOS transistor and the PMOS transistor perform the same function, employing the PMOS transistor is a choice for an engineer dependent upon an application. Lacking of showing any criticality, employ the PMOS transistor in the circuit of Kobayashi would have been obvious to a person having skill in the art at the time of the invention.

Response to Applicant's Arguments

Applicant argues that the transistor of Kobayashi is not biased by a voltage generated "beyond the range of a supplied voltage". The argument is not persuasive because the voltage generated by the voltage divider (R3, R4) of Kobayashi has the value lower than the ground voltage or the Vee so that it is anticipated by the limitation "voltage generated" since the phrase "a voltage generated beyond the range of the voltage supplied by a power supply", according to the arguments presented in the amendment of 2/6/2001, lines 27-30 at page 7, and lines 1-3 at page 8, is referred to the voltage having a value different than the supply voltage VDD in Figures 1-2 of the present invention. Note that the recitation "range of the voltage supplied by a power supply" is not clearly defined.

Allowable Subject Matter

Claims 1-15 are allowed.

Art Unit: 2816

The claims would be allowable because the prior art references do not show that the gate voltage transistor is higher than the power supply.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Din. Led whose telephone number is (703) 305-3790. The examiner can normally be reached on Monday to Friday from 7:00 A.M.to 5:00 P.M..

Art Unit: 2816

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-7725.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DINH LE
Primary Examiner

July 9, 2001